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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

F I L E D
JAN 19 2022
CLERK'S OFFICE
DETROIT

UNITED STATES OF AMERICA,

Plaintiff

v.

Case No. 22-30030
Originating No.21-186

CHARLES WILLIAM CULVER,

Defendant.

**GOVERNMENT'S PETITION
FOR TRANSFER OF DEFENDANT TO
ANOTHER DISTRICT AND SUPPORTING BRIEF**

Pursuant to Rule 5(c)(3)(D) of the Federal Rules of Criminal Procedure, the United States of America hereby petitions the Court for an order transferring defendant **CHARLES WILLIAM CULVER**, to answer to charges pending in another federal district, and states:

1. On **January 19, 2022**, defendant voluntarily appeared in the Eastern District Michigan in connection with a federal arrest warrant issued in the **District of North Dakota based on an Indictment**. Defendant is charged in that district with violation of **21 USC Sections 846 and 841(a)(1) and 18 USC Section 924(c) – Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances, Distribution and Possession with Intent to Distribute Controlled Substances and Possession of Firearms in Furtherance of a Drug Trafficking Crime.**

2. Rule 5 requires this Court to determine whether defendant is the person named in the arrest warrant and is entitled to a preliminary examination as described in Paragraph One above. See Fed. R. Crim. P. 5(c)(3)(D)(ii).

WHEREFORE, the government requests this Court to conduct transfer proceedings in accordance with Rule 5 of the Federal Rules of Criminal Procedure.

Respectfully submitted,

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United States Attorney

s/David Portelli
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Dated: January 19, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA

v.

REGINALD DAVID FOY,
a/k/a M,
a/k/a DAVE;
CHARLES WILLIAM CULVER,
a/k/a RED;
TIMOTHY TYWAN GROCE,
a/k/a T;
BROOKE ROSE MALNOURIE;
JASON RAY MALNOURIE; and
CHAD EVERETTE BEAR, JR.,
a/k/a C.J. BEAR

INDICTMENT

Case No. _____

Violations: 21 U.S.C. §§ 841(a)(1),
841(b)(1)(C), 846, 856(a)(1) and 856(b);
and 18 U.S.C. §§ 924(c)(1)(A), 924(h) and
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COUNT ONE

**Conspiracy to Distribute and Possess with Intent to Distribute
Controlled Substances**

The Grand Jury Charges:

Beginning in or about 2020 and continuing until the present, in the District of
North Dakota, and elsewhere,

REGINALD DAVID FOY, a/k/a M, a/k/a DAVE;
CHARLES WILLIAM CULVER, a/k/a RED;
TIMOTHY TYWAN GROCE, a/k/a T;
BROOKE ROSE MALNOURIE;
JASON RAY MALNOURIE; and
CHAD EVERETTE BEAR, JR., a/k/a C.J. BEAR,

knowingly and intentionally combined, conspired, confederated, and agreed together and
with others, both known and unknown to the grand jury, to distribute and possess with
intent to distribute a controlled substance, namely: (i) a mixture and substance containing

a detectable amount of fentanyl (a/k/a “N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide”), a Schedule II controlled substance; (ii) a mixture and substance containing a detectable amount of para-Flourofentanyl, a Schedule I controlled substance; (iii) a mixture and substance containing a detectable amount of a “fentanyl-related substance,” as defined in 21 C.F.R. § 1308.11, a Schedule I controlled substance; and (iv) a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

Drug Quantity

With respect to REGINALD DAVID FOY, a/k/a M, a/k/a DAVE, the amount of fentanyl (a/k/a “N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide”) involved in the conspiracy attributable to each of these individuals as a result of that individual’s own conduct, and the conduct of other conspirators reasonably foreseeable to that individual, is 400 grams or more of a mixture and substance containing a detectable amount of fentanyl (a/k/a “N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide”), in violation of Title 21, United States Code, Section 841(b)(1)(A).

With respect to CHARLES WILLIAM CULVER, a/k/a RED and TIMOTHY TYWAN GROCE, a/k/a T, the amount of fentanyl (a/k/a “N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide”) involved in the conspiracy attributable to each of these individuals as a result of that individual’s own conduct, and the conduct of other conspirators reasonably foreseeable to that individual, is 40 grams or more of a mixture and substance containing a detectable amount of fentanyl (a/k/a “N-phenyl-N-[1-(2-

phenylethyl)-4-piperidinyl] propanamide”), in violation of Title 21, United States Code, Section 841(b)(1)(B).

Overt Acts

In furtherance of this conspiracy and to effect and accomplish the objects of it, one or more of the conspirators committed the following overt acts:

1. It was a part of said conspiracy that the conspirators would and did distribute, and possess with intent to distribute, opiate pills containing a detectable amount of oxycodone, fentanyl, para-Flourofentanyl, and a fentanyl-related substance, in and about Minot, North Dakota, the Fort Berthold Indian Reservation in North Dakota, and elsewhere;
2. It was further a part of said conspiracy that the conspirators would and did attempt to conceal their activities by, among other things, using aliases, concealing opiate pills within their persons and containers, and using threats and intimidation toward sub-distributors and others;
3. It was further a part of said conspiracy that the conspirators would and did use United States currency in their drug transactions;
4. It was further a part of said conspiracy that conspirators would and did use telecommunication facilities, including cellular telephones, and social media applications, such as Facebook Messenger, SnapChat, and Instagram, to facilitate the distribution of controlled substances and collection of drug proceeds;
5. It was further a part of said conspiracy that conspirators traveled between Michigan (and other States) and North Dakota via motor vehicle, bus, airplane, and other

means, for purposes of transporting opiate pills containing controlled substances and transporting proceeds of drug trafficking activity;

6. It was further a part of said conspiracy that conspirators used commercial carriers, such as U.P.S. and FedEx, and the United States Postal Service, to transfer pills and tablets containing opiate drugs, such as fentanyl, from one location to another;

7. It was further a part of said conspiracy that conspirators purchased, transferred, and possessed firearms to protect their supply of opiate drugs and the proceeds of drug trafficking activity, and to intimidate other persons;

8. It was further a part of said conspiracy that conspirators would utilize residences in and about Minot and New Town, North Dakota, and elsewhere, to store, conceal and distribute opiate pills, and to receive, collect, store, and conceal proceeds of drug trafficking activity; and

9. It was further a part of said conspiracy that conspirators utilized local North Dakota residents as sub-distributors and associates to locate customers and consumers of opiate drugs;

In violation of Title 21, United States Code, Section 846; and Pinkerton v. United States, 328 U.S. 640 (1946).

COUNT TWO

Distribution of Controlled Substances

The Grand Jury Further Charges:

On or about May 17, 2021, in the District of North Dakota, and elsewhere,

BROOKE ROSE MALNOURIE,

individually, and by aiding and abetting, knowingly and intentionally distributed approximately five opiate pills and tablets that were: (i) a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance; (ii) a mixture and substance containing a detectable amount of fentanyl (a/k/a “N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide”), a Schedule II controlled substance; and (iii) a mixture and substance containing a detectable amount of a “fentanyl-related substance,” as defined in 21 C.F.R. § 1308.11, a Schedule I controlled substance;

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

COUNT THREE

Distribution of Controlled Substances

The Grand Jury Further Charges:

On or about May 18, 2021, in the District of North Dakota, and elsewhere,

REGINALD DAVID FOY, a/k/a M, a/k/a DAVE; and
CHARLES WILLIAM CULVER, a/k/a RED,

individually, and by aiding and abetting, knowingly and intentionally distributed approximately one hundred (100) opiate pills and tablets that were: (i) a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance; (ii) a mixture and substance containing a detectable amount of fentanyl (a/k/a “N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide”), a Schedule II controlled substance; (iii) a mixture and substance containing a detectable amount of para-Flourofentanyl, a Schedule I controlled substance; and (iv) a mixture and substance containing a detectable amount of a “fentanyl-related substance,” as defined in 21 C.F.R. § 1308.11, a Schedule I controlled substance;

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

COUNT FOUR

Possession with Intent to Distribute Controlled Substances

The Grand Jury Further Charges:

On or about May 19, 2021, in the District of North Dakota, and elsewhere,

REGINALD DAVID FOY, a/k/a M, a/k/a DAVE;
CHARLES WILLIAM CULVER, a/k/a RED; and
TIMOTHY TYWAN GROCE, a/k/a T,

individually, and by aiding and abetting, knowingly and intentionally possessed with intent to distribute approximately 53 pills and tablets that were: (i) a mixture and substance containing a detectable amount of fentanyl (a/k/a “N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide”), a Schedule II controlled substance; and (ii) a mixture and substance containing a detectable amount of para-Flourofentanyl, a Schedule I controlled substance;

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

COUNT FIVE

Possession of Firearms in Furtherance of a Drug Trafficking Crime

The Grand Jury Further Charges:

In or about May 2021, in the District of North Dakota, at apartments located at 22 South Main Street in Minot, North Dakota, and elsewhere,

REGINALD DAVID FOY, a/k/a M, a/k/a DAVE;
CHARLES WILLIAM CULVER, a/k/a RED; and
TIMOTHY TYWAN GROCE, a/k/a T,

individually, and by aiding and abetting, knowingly possessed one or more firearms, namely: (i) a Bond Arms Inc., Model Roughneck, 9mm Derringer, Serial Number 254165; and (ii) a SCCY Industries LLC, Model CPX-2, 9mm pistol, Serial Number C049369; in furtherance of a drug trafficking crime for which REGINALD DAVID FOY, a/k/a M, /k/a DAVE; CHARLES WILLIAM CULVER, a/k/a RED; and TIMOTHY TYWAN GROCE, a/k/a T, may be prosecuted in a court of the United States, namely: (i) Conspiracy to Distribute and Possession with Intent to Distribute Controlled Substances, as alleged in Count One of this Indictment; (ii) Distribution of Controlled Substances, as alleged in Count Three of this Indictment; and (iii) Possession with Intent to Distribute Controlled Substances, as alleged in Count Four of this Indictment;

In violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

COUNT SIX

Possession of Firearms in Furtherance of a Drug Trafficking Crime

The Grand Jury Further Charges:

In or about June 2021, in the District of North Dakota, at a residence located on Valley Street in Minot, North Dakota, and elsewhere,

REGINALD DAVID FOY, a/k/a M, a/k/a DAVE;
CHARLES WILLIAM CULVER, a/k/a RED; and
TIMOTHY TYWAN GROCE, a/k/a T,

individually, and by aiding and abetting, knowingly possessed one or more firearms, namely: (i) a Del-Ton Inc., Model DTI-15, 5.56 caliber rifle, Serial Number R004116; (ii) a Mossberg, Model MC2C, 9mm caliber pistol, Serial Number 006533MC; (iii) a Canik55, Model TP-9SFX, 9mm caliber pistol, Serial Number 20BC73097; and (iv) a Ruger, Model GP100, .357 caliber revolver, Serial Number 176-57671; in furtherance of a drug trafficking crime for which REGINALD DAVID FOY, a/k/a M, /k/a DAVE; CHARLES WILLIAM CULVER, a/k/a RED; and TIMOTHY TYWAN GROCE, a/k/a T, may be prosecuted in a court of the United States, namely: (i) Conspiracy to Distribute and Possession with Intent to Distribute Controlled Substances, as alleged in Count One of this Indictment; (ii) Distribution of Controlled Substances, as alleged in Count Three of this Indictment; and (iii) Possession with Intent to Distribute Controlled Substances, as alleged in Count Four of this Indictment;

In violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

COUNT SEVEN

Transfer of a Firearm for Use in a Drug Trafficking Crime

The Grand Jury Further Charges:

Beginning in or about February 2021, and continuing until in or about June 2021,
in the District of North Dakota,

CHAD EVERETTE BEAR, JR., a/k/a C.J. BEAR,

knowingly transferred a firearm, namely: (i) a Bond Arms Inc., Model Roughneck, 9mm
Derringer, Serial Number 254165; (ii) a SCCY Industries LLC, Model CPX-2, 9mm
pistol, Serial Number C049369; (iii) a Del-Ton Inc., Model DTI-15, 5.56 caliber rifle,
Serial Number R004116; and (iv) a Canik55, Model TP-9SFX, 9mm caliber pistol, Serial
Number 20BC73097; knowing that such firearm(s) would be used to commit a drug
trafficking crime, namely, violations of the Controlled Substances Act (21 U.S.C. § 801
et. seq.) as charged in Counts One, Three, and Four of this Indictment;

In violation of Title 18, United States Code, Sections 924(h) and 2.

COUNT EIGHT

Maintaining Drug-Involved Premises

The Grand Jury Further Charges:

In or about 2021, in the District of North Dakota,

BROOKE ROSE MALNOURIE and
JASON RAY MALNOURIE,

individually, and by aiding and abetting, knowingly opened, leased, rented, used, and maintained any place, whether permanently or temporarily, for the purpose of distributing and using any controlled substance; specifically, BROOKE ROSE MALNOURIE and JASON RAY MALNOURIE opened, leased, rented, used, and maintained their family residence in Parshall, North Dakota, for purposes of distributing opiate pills and tablets that were: (i) a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance; (ii) a mixture and substance containing a detectable amount of fentanyl (a/k/a “N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide”), a Schedule II controlled substance; and (iii) a mixture and substance containing a detectable amount of a “fentanyl-related substance,” as defined in 21 C.F.R. § 1308.11, a Schedule I controlled substance;

In violation of Title 21, United States Code, Sections 856(a)(1) and 856(b), and Title 18, United States Code, Section 2.

COUNT NINE

Distribution of Controlled Substances

The Grand Jury Further Charges:

On or about May 25, 2021, in the District of North Dakota, and elsewhere,

CHAD EVERETTE BEAR, JR., a/k/a C.J. BEAR,

individually, and by aiding and abetting, knowingly and intentionally distributed approximately ten (10) opiate pills and tablets that were: (i) a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance; (ii) a mixture and substance containing a detectable amount of fentanyl (a/k/a “N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide”), a Schedule II controlled substance; and (iii) a mixture and substance containing a detectable amount of a “fentanyl-related substance,” as defined in 21 C.F.R. § 1308.11, a Schedule I controlled substance;

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

A TRUE BILL:

/s/ Foreperson

Foreperson

/s/ Nicholas W. Chase

NICHOLAS W. CHASE

Acting United States Attorney

RLV/sj